

February 27, 2020

**Public Notice for Water Quality Certification and/or Waste
Discharge Requirements (Dredge/Fill Projects)
South Broadway Street Project
ECM PIN CW-856924; WDID 1B190021WNHU
Humboldt County**

On March 3, 2019, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from California State Parks (Applicant), requesting Federal Clean Water Act, section 401, Water Quality Certification (certification) for activities related to the proposed South Broadway Street Project (Project).

Project Location

The Project site is located west of Highway 101 near the south end of the City of Eureka in coastal Humboldt County. The Project is at the south end of Township 5 North, Range 1 West, section 33 (Humboldt Base & Meridian) on the Eureka 7.5 minute USGS topographic map. A map of the Project location can be found at the end of this document. The Project is located at 40.767279° N, -124.192028° W, within the Eureka Plain hydrologic unit 110.00.

Project Description

The proposed project will finish grading 2.5 acres of land located at the back of two commercial properties along Highway 101 in Eureka to allow minor expansion of these businesses. The grading will fill the isolated remnant of a wetland that developed between the ownerships when a nearby culvert clogged in the 1960s. Grading will be completed to smooth and flatten the area to create parking, expanded office, expanded nursery, and areas for model home displays. The fill includes 0.23 acres of willow swamp that was mitigated for under a 2006 nationwide permit, though the fill was never completed, and a 0.14-acre willow swamp which was mitigated for in 1992 on a nearby portion of the Elk River Wildlife Area (ERWA) under earlier permits, but was inadvertently left intact.

The project site is known as the "South Broadway" area in in the city of Eureka. Fill of wetlands within this area was specifically addressed by the California Coastal Commission and the City through the City's Local Coastal Plan (LCP) in 1990. In 1992, two of the three property owners in this area, William Pierson (Pierson Building Center) and Lowell Wallace (W&W Mobile Homes), applied for and received permits from the City, Army Corps of Engineers, Regional Water Board, and the California Coastal Commission to fill 3.71 acres of wetlands to expand their existing businesses. These permits authorized the fill of 3.71 acres of wetlands within the boundaries of the property but preserved a small, 0.23-acre wetland in the center of the site between the two ownerships to act as a buffer. The property owners completed the fill and successfully restored 6.65 acres of wetlands at the nearby ERWA. However, an additional 0.14 acres of wetlands that were originally permitted for fill within the development areas' center were inadvertently preserved. In total, 0.37 acres of wetlands were left in the

center of the site. The 0.14 acres that were inadvertently preserved were, however, mitigated for as part of the project's overall required mitigation at the EWRA site.

In 2006, the two property owners applied for and received permits from the Army Corps of Engineers, the Regional Water Board, and the California Coastal Commission to fill the 0.37 acres of wetlands that were previously preserved in the center of the site. The 0.37 acres of wetlands that was compromised of the 0.14 acres of wetlands that were inadvertently left intact during the 1992 permitting effort and the 0.23 acres of wetlands that were not previously permitted for fill. The permits acknowledged that mitigation for the 0.14 acres of wetland fill had been previously mitigated for at the ERWA and the project only required mitigation for the 0.23 acres of wetland fill. The required mitigation for the 0.23 acres of wetland fill was completed upon receiving permits in 2006. However, shortly thereafter, the economy took a downturn and the landowners were unable to complete the permitted fill.

During a 2018 site visit by Zentner Planning and Ecology confirmed that the 0.37 acres of wetlands remained intact and was not filled, but that the required compensatory mitigation was completed according to the *South Broadway Wetland Mitigation Program, Project No.696 PIE*, prepared by Zentner and Zentner, dated May 2006.

The 2006 permits for filling the 0.37 acres of wetlands within the Project boundaries have since expired. Accordingly, this permit will authorize the completion of grading the area between the two properties and fill the 0.37 acres of wetlands that have been previously mitigated for.

Project figures and maps can be located at the end of this document.

Construction Timing

Project construction would take 10 working days and occur during the dry season (May 15 through October 15) between May 2020 and October 2021. Any work within jurisdictional waters during the wet season (October 15 through May 15) would require approval from the Regional Water Board.

Impacts

The Project would result in 0.37 acres of permanent impacts to wetlands as a result of fill associated with the creation of parking, expanding an office, expanding a nursery, and creating areas for model home displays.

Mitigation for Project Impacts

Compensatory mitigation for the proposed Project impacts have been completed under previously approved project permits and the *South Broadway Wetland Mitigation Program, Project No.696 PIE*, prepared by Zentner and Zentner, dated May 2006 mitigation plan. Compensatory mitigation for the 0.14 acres of fill was completed at the ERWA in 1992 and compensatory mitigation for the 0.23 acres of impacts to wetlands was completed onsite through the creation of 0.23 acres of willow swamp habitat and 0.16 acres of upland buffer in 2006.

Other Agency Permits

The Applicant has applied to the United States Army Corps of Engineers for a Nationwide Permit No. 39 (Reporting) pursuant to section 404 of the Clean Water Act. Additionally, the applicant has applied for a Coastal Development Permit with the California Coastal Commission.

CEQA

The City of Eureka, as lead California Environmental Quality Act (CEQA) agency, adopted an Initial Study/Mitigated Negative Declaration (IS/MND) for the South Broadway Street Project and filed with the State Clearinghouse (SCH No. 1994103086), pursuant to CEQA guidelines.

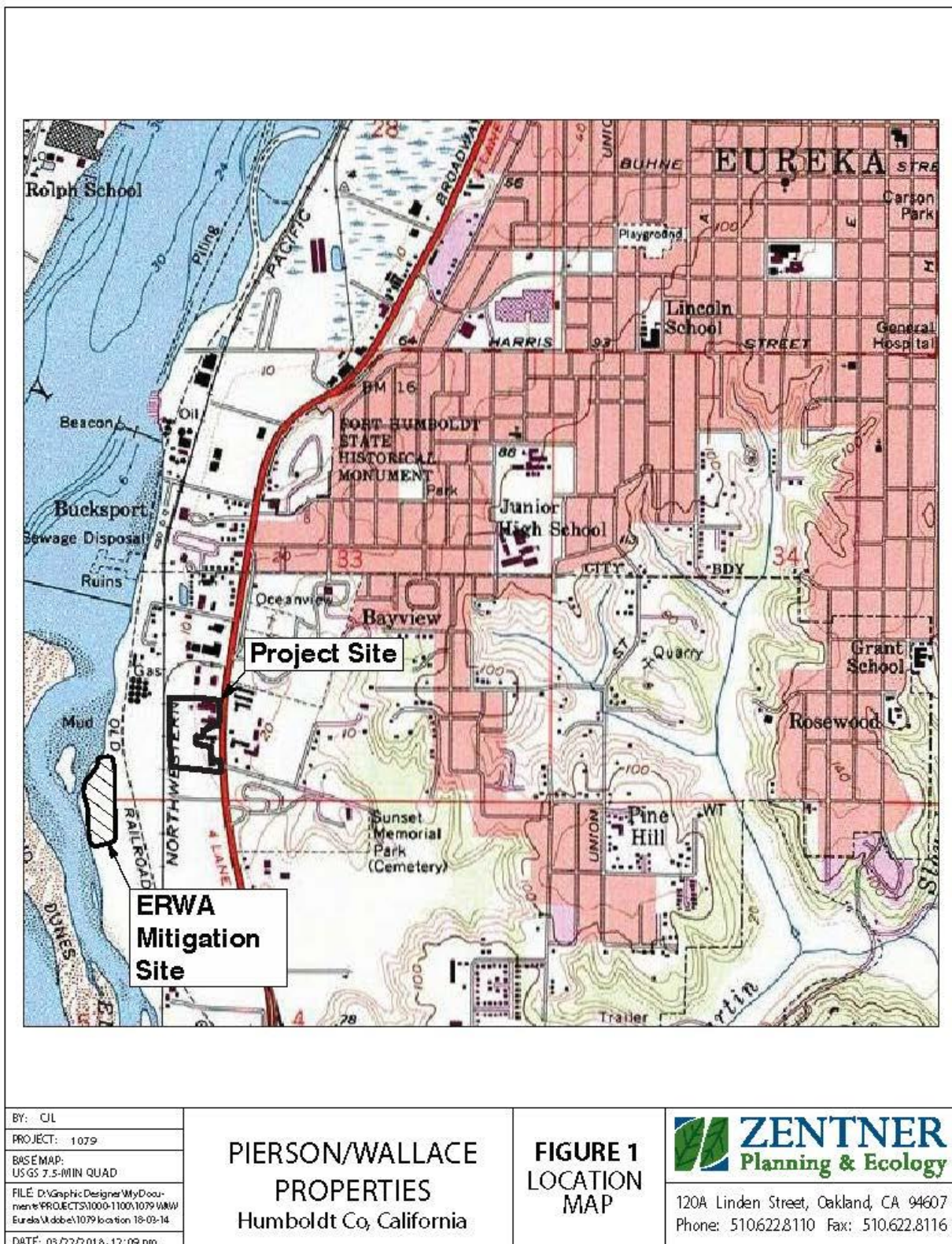
Public Comments

Regional Water Board staff are proposing to regulate this Project pursuant to Section 401 of the Clean Water Act (33 USC 1341) and/or Porter-Cologne Water Quality Control Act authority. The information contained in this public notice is only a summary of the Applicant's proposed activities. The application for Water Quality Certification in the Regional Water Board's file contains additional details about the proposed Project including maps and photos. The application and Regional Water Board file are available for public review at the Regional Water Board office, 5550 Skylane Blvd, Suite A, Santa Rosa, CA. Appointments are recommended for document review and can be made by calling (707) 576-2220.

If you have any questions, please contact staff member Brandon Stevens at Brandon.Stevens@waterboards.ca.gov or (707) 576-2377 within 21 days of the posting of this notice.

200227_BDS_dp_South Broadway Street_PN

Figure 1: Project location



PROJECT BOUNDARY

ORNAMENTAL POND

ORNAMENTAL POND

CONSTRUCTED MITIGATION WETLAND

DRAINAGE DITCH

PROJECT BOUNDARY

Legend

- WILLOW SWAMP
- DITCH/POND CONSTRUCTED IN UPLAND
- CONSTRUCTED MITIGATION WETLANDS
- SAMPLE POINT
- PROJECT BOUNDARY

SECTION 404 JURISDICTIONAL AREAS	
Habitat Type	Acreage
B. Willow Swamp*	0.37
F. Willow Swamp*	0.14
TOTAL	0.51 ACRES

NON-JURISDICTIONAL AREAS	
Habitat Type	Acreage
A. Ditch Constructed in Upland*	0.21
C. Ornamental Pond*	0.06
D. Ornamental Pond*	0.03
TOTAL	0.29 ACRES

Disclaimer: Section 404 Jurisdictional Map
This map exhibits conditions on the site at the time of completion of the delineation. For various reasons, conditions on a site may change, which may affect site wetland boundaries. Delineation maps generally expire five years after approval by the U.S. Army Corps of Engineers (Corps). Because regulations governing delineations are subject to change, this map should be reviewed by a qualified wetland consultant to ensure accuracy if not submitted to the Corps within six (6) months of preparation.

Field Work By: David Sell in November & December, 2002 & John Zentner in May 2003.

Project Information:
Project Name: Pierson/Wallace Properties
Project Number: 1079
Project File: H:\Projects\Section 404\Section 404 Jurisdictional Map\Section 404 Jurisdictional Map
Date Map: 5/26/2016 GOOGLE EARTH ©2018
Date: 4/3/2018
Cartographer: CJL
Scale: 1 inch = 100 feet
North Arrow

ZENTNER
Planning & Ecology
120A Linden Street, Oakland, CA 94607
Phone: 510.622.8110 Fax: 510.622.8116

FIGURE 4
DEVELOPMENT
MAP

PIERSON/WALLACE
PROPERTIES
HUMBOLDT CO., CALIFORNIA

N
0 37.5' 75'
1" = 75'

SOURCE: NAD83/2011
GOOGLE EARTH ©2018
PROJECT NO. 1079
FILE: H:\Projects\BIDN\BIDN_1079.dwg
DRAWN BY: J. WALLACE
CHECKED BY: J. WALLACE
DATE: 4/3/2018